

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

DARRYL STEWART,  
  
Plaintiff,

v.

CV 11-0298 MCA/WPL  
Consolidated With  
CV 11-0496 MCA/WPL

CORRECTIONAL MEDICAL SERVICES, INC., et al.,  
  
Defendants.

**ORDER GRANTING IN PART AND  
DENYING IN PART MOTION FOR SUBPOENAS**

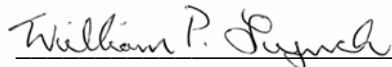
Darryl Stewart has requested that the Court issue and serve subpoenas on the Chief of the Metropolitan Detention Center (“MDC”) or Bernalillo County Manager Thaddens Lucero and on Correctional Medical Services, Inc. (“CMS”). (Doc. 59.) Through subpoenas to MDC, Stewart would seek the first names of two correctional officers who he has named as Defendants, Correctional Officer S. Lucero and Lieutenant Grant, and the last known address of former Chief Ron Torres. (*Id.* at 1, 3.) Through a subpoena to CMS, Stewart would request the names of all head registered nurses at MDC from June 22, 2009 through April 8, 2010. (*Id.* at 3.)

The Court has been extremely involved in attempts to identify and serve the remaining Defendants in this case. Through two separate orders for limited *Martinez* reports, the Court ordered the Defendants who have been properly identified to provide information about the remaining Defendants. (Doc. 47; Doc. 55.) Though CMS provided all requested information to identify its employees or former employees, none of the Defendants were able to provide information about MDC’s employees or former employees. (*See* Doc. 53; Doc. 61.) At this point, it is appropriate for

the Court to issue a subpoena to the current warden of MDC to identify the remaining Defendants and to provide any information necessary to effect service on these Defendants.

However, as CMS explains (Doc. 60), Stewart's request for the names of all CMS head nurses over a ten-month stretch is unwarranted. CMS responded appropriately to the Court's order for a limited *Martinez* report and provided the last names of all nurses that Stewart named in his pleadings. (Doc. 53 at 1-2.) As a result, all of the Defendants related to CMS have been identified and served. (Doc. 54 at 2; Doc. 58; Doc. 62; Doc. 68.) CMS need not provide any further information.

IT IS THEREFORE ORDERED that Stewart's motion is granted in part and denied in part. The Clerk of Court shall issue a subpoena duces tecum to Warden Rustin at MDC. The subpoena will require Warden Rustin to produce the following: the first name of Correctional Officer S. Lucero, an MDC employee from at least February 2010 until April 2010; the first name of Lieutenant Grant, an MDC employee from at least June 2009 until April 2010; the last known addresses of S. Lucero and Grant, if they are no longer employed by MDC; and the last known address of Ron Torres, former Warden of MDC. This information shall be filed with the Court in this case and a copy shall be mailed to the Plaintiff by **July 19, 2012**. However, any address information may be filed with the Court under seal and need not be provided to the Plaintiff. A copy of this Order shall be attached to the subpoena. IT IS FURTHER ORDERED that the U.S. Marshal shall serve a copy of the subpoena on Warden Rustin, Metropolitan Detention Center, 100 Deputy Dean Miera Dr. SW, Albuquerque, NM 87151.

  
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William P. Lynch  
United States Magistrate Judge